

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL E. LAFRENIERE,)	
)	
Plaintiff,)	
)	C.A. No. 04-40070-NG
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

**DEFENDANT'S MOTION TO EXTEND TIME
IN WHICH TO RESPOND TO COMPLAINT**

Defendant, United States of America,¹ respectfully moves this Court for an extension of time from today up to and including October 20, 2004, to answer or otherwise respond to Plaintiff's Complaint.

Plaintiff's Complaint contains a multitude of references to pleadings, and other proceedings, in related criminal cases. At the time of the Defendant's first motion for an extension, on July 23, 2004, the undersigned Assistant U.S. Attorney had located the now-closed criminal cases, consisting of 22 boxes of material still in the U.S. Attorney's Office in Springfield, with additional material in archives. The undersigned received the materials from archives on August 16, 2004. A preliminary review

¹ This motion is not intended to be a responsive pleading. By the filing of this motion, Defendant is not waiving any of the procedural, affirmative, or other waivable and non-waivable defenses available to it in the normal course of filing a responsive pleading. Defendant intends to raise those defenses when it answers or otherwise responds to the Complaint.

of the materials indicated that additional relevant materials were located in an appellate file. The undersigned recalled the appellate file which unfortunately did not contain the relevant pleadings and then began to attempt to locate the pleadings elsewhere. In the course of that process, additional materials were located in the U.S. Attorney's Office in Springfield which the undersigned received just this past Wednesday. The receipt of those materials allowed the U.S. Attorney's Office to pursue other documents that it received from the FBI last Friday. Having just recently received the documents, the Defendant requests an additional period of time to formulate an appropriate response to the Complaint and to determine whether the matter can be resolved short of motion practice and/or trial.

WHEREFORE, Defendant respectfully requests that this Court allows its motion for an extension of time up to and including October 20, 2004, to answer or otherwise respond to the Complaint.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jennifer C. Boal
Jennifer C. Boal
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Dated: September 20, 2004

CERTIFICATE OF SERVICE

I certify that on September 20, 2004, I caused a copy of the foregoing Motion to be served by first class mail, postage prepaid to Plaintiff, Reg. No. 90333-038 at FMC Devens, P.O. Box 879, Ayer, MA 01432

/s/ Jennifer C. Boal
Jennifer C. Boal
Assistant U.S. Attorney